

Douglas J. Pick  
Eric C. Zabicki  
*Substitute Counsel to the Debtor*  
**PICK & ZABICKI LLP**  
369 Lexington Avenue, 12<sup>th</sup> Floor  
New York, New York 10017  
(212) 695-6000

**Hearing Date: November 21, 2019**  
**Time: 9:30 a.m.**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:  
DAVID EBRAHIMZADEH,

Chapter 13  
Case No. 19-12462 (CGM)

Debtor.  
-----X

**NOTICE OF MOTION FOR AN ORDER  
DISMISSING THE CHAPTER 13 CASE**

**PLEASE TAKE NOTICE**, that upon the annexed application, dated October 8, 2019, and the exhibits thereto, David Ebrahimzadeh, by and through his undersigned substitute counsel, will move this court before the Honorable Cecilia G. Morris, Chief United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, 1 Bowling Green, New York, New York 10004, on November 21, 2019 at 9:30 a.m., or as soon thereafter as counsel may be heard, for entry of an Order: (a) pursuant to 11 U.S.C. § 1307(b) dismissing this Chapter 13 case; and (b) granting such other and further relief as this Court may deem just and proper (the "Motion").

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the Motion shall (a) be made in writing, (b) conform to the Federal Rules of Bankruptcy Procedure and the Local Rules for United States Bankruptcy Court for the Southern District of New York, (c) set forth the name of the objecting party, the nature and amount of any claim or interest held or asserted against the Debtor's estate or property, the basis for the objection and the specific grounds therefor, (d) be

filed with the Court with a copy to the chambers of Honorable Cecilia G. Morris, together with proof of service thereof, and (e) be served in a manner so as to be received by Pick & Zabicki LLP, 369 Lexington Avenue, 12<sup>th</sup> Floor, New York, New York 10017, Attn.: Douglas J. Pick, Esq., not less than seven (7) days prior to the hearing date.

Dated: New York, New York  
October 8, 2019

**PICK & ZABICKI LLP**  
*Substitute Counsel to the Debtor*

By: \_\_\_\_\_

Douglas J. Pick, Esq.  
369 Lexington Avenue, 12<sup>th</sup> Floor  
New York, New York 10017  
(212) 695-6000

Douglas J. Pick  
Eric C. Zabicki  
*Substitute Counsel to the Debtor*  
**PICK & ZABICKI LLP**  
369 Lexington Avenue, 12<sup>th</sup> Floor  
New York, New York 10017  
(212) 695-6000

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:  
DAVID EBRAHIMZADEH,

Chapter 13  
Case No. 19-12462 (CGM)

Debtor.  
-----X

**APPLICATION IN SUPPORT OF MOTION  
FOR AN ORDER DISMISSING THE CHAPTER 13 CASE**

TO: THE HONORABLE CECILIA G. MORRIS  
CHIEF UNITED STATES BANKRUPTCY JUDGE

David Ebrahimzadeh (the "Debtor"), by and through his undersigned substitute counsel, as and for his application (the "Application") for entry of an Order pursuant to § 1307(b) of title 11 of the United States Code (the "Bankruptcy Code") dismissing his Chapter 13 case, respectfully represents and alleges as follows:

1. On July 28, 2019, Debtor had filed a Chapter 13 Petition. A copy of the Legal Docket is attached as Exhibit "A." Attached to the Chapter 13 Petition is Schedule E/F, which listed only one creditor and no dollar amount. The Debtor's unsecured obligations are actually in excess of \$394,725.
2. This Court has jurisdiction over this case and this Application pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of the Application is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. § 1409. The

statutory predicates for the relief sought herein are Sections 1307(b) and 109(e) of the Bankruptcy Code.

3. Section 1307(b) of the Bankruptcy Code provides as follows:

(b) On request of the debtor at any time, if the case has not been converted under section 706, 1112, or 1208 of this title, the court shall dismiss a case under this chapter. Any waiver of the right to dismiss under this subsection is unenforceable.

and

Section 109(e) of the Bankruptcy Code provides:

(e) Only an individual with regular income that owes, on the date of the filing of the petition, noncontingent, liquidated, unsecured debts of less than \$394,725 and noncontingent, liquidated, secured debts of less than \$1,184,200...may be a debtor under chapter 13 of this title.

4. The Debtor does not qualify as a Chapter 13 debtor. The Debtor now seeks authorization from this Court to dismiss his Chapter 13 Petition.

5. The unsecured amounts owed by the Debtor approximate not less than \$2,275,000, which significantly exceeds the total unsecured debt limit of \$394,725 provided for under Section 109(e).

#### CONCLUSION

6. Based upon the foregoing, the Movants respectfully request the Court grant the Application in its entirety together with such other and further relief as may be just and proper.

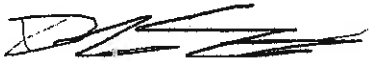
Dated: New York, New York  
October 3, 2019

**PICK & ZABICKI LLP**  
*Substitute Counsel to the Debtor*

By: 

Douglas J. Pick, Esq.  
369 Lexington Avenue, 12<sup>th</sup> Floor  
New York, New York 10017  
(212) 695-6000

I have read the above and submit that the statements are true and correct.



David Ebrahimzadeh